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Suite N501
Rye Brook, NY 10573



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Making Connections That Make a Difference.

November 22, 2010

VIA ECFS AND OVERNIGHT COURIER

Marlene H. Dortch, Secretary
Federal Communications Commission
9300 East Hampton Drive
Capitol Heights, MD 20743

ATTN: Competition Policy Division, Wireline Competition Bureau

Re: Broadview NP Acquisition Corp. Section 63.71 Application to
Discontinue the Provision of Domestic Intrastate,
Interexchange Telecommunications Services

Dear Ms. Dortch:

Enclosed herewith, on behalf of Broadview NP Acquisition Corp., please find the Application of Broadview NP Acquisition Corp., pursuant to Section 63.71 of the Commission's Rules to Discontinue the Provision of Domestic Intrastate, Interexchange Telecommunications Services in the States of California, Colorado, Illinois, Indiana, Kansas, Kentucky, Michigan, Montana, Nevada, Ohio, Oklahoma, Texas and Washington.

For your convenience, a file/stamp copy of this transmittal letter is also enclosed. Please return it in the enclosed stamped, addressed envelope.

To the extent you have any questions concerning this submission, please do not hesitate to contact the undersigned telephonically at (240) 461-0412 or electronically at channan@broadviewtel.com.

Respectfully submitted,

A handwritten signature in cursive script that reads "Catherine M. Hannan".

Catherine M. Hannan

Enclosures

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554**

In the Matter of)
)
Section 63.71 Application of)
)
Broadview NP Acquisition Corp.)
For Authority Pursuant to Section 63.71)
Of the Commission's Rules, 47 C.F.R.)
§63.71, to Discontinue the Provision of)
Intrastate Interexchange Services in the)
States of California, Colorado, Illinois,)
Indiana, Kansas, Kentucky, Michigan,)
Montana, Nevada, Ohio, Oklahoma,)
Texas and Washington)

**SECTION 63.71 APPLICATION OF
BROADVIEW NP ACQUISITION CORP.**

Broadview NP Acquisition Corp. ("NP Acquisition") requests authority under Section 63.71 of the Commission's Rules, 47 C.F.R. §43.71 to discontinue the provision of intrastate, interexchange telecommunications services throughout the States of California, Colorado, Illinois, Indiana, Kansas, Kentucky, Michigan, Montana, Nevada, Ohio, Oklahoma, Texas and Washington. NP Acquisition is certificated to provide the above-described services in each of the listed jurisdictions; however, over time, a significant portion of NP Acquisition's customer base has been consolidated into the operations of NP Acquisition's sister corporation, Broadview Networks, Inc., in accordance with federal and state commission rules and regulations.¹

While most customers opted to participate in the customer base consolidation, certain customers chose instead to transition to new providers (with NP Acquisition's full cooperation and without charge for the service provider change). A few customers, however, opted to remain with NP Acquisition rather than to be consolidated into the Broadview Networks customer base

¹ See, e.g., Section 64.1120(e)(3) submission of Broadview Networks, Inc., et al., Docket No. 000257, July 31, 2008.

or to select a new service provider. In order that NP Acquisition might continue to legally provide service to those of NP Acquisition's customers which, for reasons of their own, chose to remain with NP Acquisition, the Company has, of necessity, retained its telecommunications service authority in each named jurisdiction. With the passage of time, the natural attrition of these remaining customers has finally reduced the number of customers to whom NP Acquisition provides intrastate, interexchange services in the above-listed states to zero.

NP Acquisition does not actively market telecommunications services to consumers in the listed states and has no plans to resume marketing telecommunications services in these states in the future. Accordingly, coincident with the filing of this Section 63.71 Application, NP Acquisition is taking steps to surrender back to the relevant state commissions the Company's telecommunications service authority. In this way, NP Acquisition will facilitate the efficient use of both its own corporate resources and the resources of the Federal Communications Commission and each listed state public utility commission.

As required by Section 63.71(a) and (b) of the Commission's Rules, NP Acquisition provides the following information:

1. Name and Address of Carrier (47 C.F.R. §§63.71(a)(2), (b)(2)):

Broadview NP Acquisition Corp.
800 Westchester Avenue, Suite N-501
Rye Brook, NY 10573

2. Date of Planned Service Discontinuance (47 C.F.R. §§63.71(a)(2), (b)(2)):

Because NP Acquisition is considered non-dominant with respect to all of the services to be discontinued, the Company anticipates the automatic grant of the instant Application on the 31st day following release by the Federal Communications Commission of a *Public Notice* on the Application. Because Applicant currently serves no telecommunications services customers in the above-listed states, NP Acquisition will officially discontinue service in those states on the

date of automatic grant of the instant Application, which Applicant anticipates will be on or about December 31, 2010. It is possible that a small number of states will not have formally approved the surrender of NP Acquisition's operating authority and/or withdrawal of tariffs by that date; in such states, service will be officially discontinued upon the date authorized by the relevant state commission.

3. Points of Geographic Areas of Service Affected (47 C.F.R. §§63.71(a)(3), (b)(2)):

NP Acquisition will discontinue the provision of intrastate, interexchange telecommunications services throughout the States of California, Colorado, Illinois, Indiana, Kansas, Kentucky, Michigan, Montana, Nevada, Ohio, Oklahoma, Texas and Washington.

4. Brief Description of Type of Services Affected (47 C.F.R. §§63.71(a)(3), (b)(2)):

In the States of States of California, Colorado, Illinois, Indiana, Kansas, Kentucky, Michigan, Montana, Nevada, Ohio, Oklahoma, Texas and Washington, NP Acquisition is authorized to provide all types of intrastate long distance telecommunications services; NP Acquisition has not, however, provided long distance services on a prepaid basis in any listed jurisdiction.

The discontinuance of the above services does not adversely affect the public convenience and necessity because consumers in these states have a wide range of alternative intrastate, interexchange services from which to choose. Furthermore, as noted above, no consumer in any of these states is presently subscribed to NP Acquisition's services; each such customer has already transitioned to another authorized carrier or otherwise ceased to subscribe to NP Acquisition's services.

5. Brief Description of the Dates and Methods of Notice to All Affected Customers

(47 C.F.R. §§63.71(b)(3)):

As noted above, no customers exist which will be affected by NP Acquisition's proposed discontinuance of the above-described services in the listed states. Section 63.71(a) requires that "the carrier shall notify *all affected customers* of the planned discontinuance;"² since NP Acquisition has no affected customers here, no notice is required; Section 63.71(a)'s notice requirement is an impossibility and a nullity here. That no consumer protection goal which the FCC's notice language is designed to protect are at issue in this circumstance is apparent from the very text of Section 63.71(5)(i), where the Federal Communications Commission directs non-dominant carriers to inform customers as follows:

"The FCC will normally authorize this proposed discontinuance or service (or reduction or impairment) unless it is shown that customers would be unable to receive service or a reasonable substitute from another carrier or that the public convenience and necessity is otherwise adversely affected. If you wish to object, you should file your comments as soon as possible, but no later than 15 days after the Commission releases public notice of the proposed discontinuance. Address them to the Federal Communications Commission, Wireline Competition Bureau, Competition Policy Division, Washington, DC 20554, and include in your comments a reference to the Sec. 63.71 Application of (carrier's name). Comments should include specific information about the impact of this proposed discontinuance (or reduction or impairment) upon you or your company, including any inability to acquire reasonable substitute service."³

Here, no NP Acquisition customer exists in the impacted states; therefore, no individual or entity is capable of providing specific information of *any impact whatsoever* that the proposed discontinuance upon it. All customers have already transitioned to alternative providers; clearly there has been no inability to acquire reasonable substitute service. Indeed, the ease with which NP Acquisition's remaining customers have been able to transition to new providers is a result of a vibrant array of telecommunications service alternatives in the listed states; accordingly, there

² 47 C.F.R. §43.71(a).

³ 47 C.F.R. §63.71(a)(5)(1).

is no realistic possibility that NP Acquisition's surrender of existing telecommunications service authority in these states would adversely impact the public convenience and necessity.

As noted above, coincident with the filing of this Application, NP Acquisition is taking steps, consistent with relevant state commission rules and regulations, to surrender its existing telecommunications operating authority and, where required, to withdraw its telecommunications services tariffs in the affected states. Additionally, in satisfaction of Section 63.74(a), copies of this Section 63.71 Application are also being sent today, via First Class U.S. mail, to the Special Assistant for Telecommunications to the Secretary of Defense and the governors and public utilities commissions of each state in which discontinuance is proposed. Thus, NP Acquisition's discontinuance of service in the listed states will be fully transparent to regulators and consumers alike.

6. Regulatory Classification of Carrier (47 C.F.R. §63.71(b)(4)):

NP Acquisition is considered non-dominant with respect to all of the services to be discontinued in the listed states.

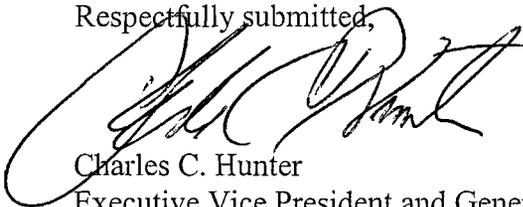
7. Designated Contacts:

Correspondence concerning this Application should be directed to:

Catherine M. Hannan
Broadview NP Acquisition Corp.
800 Westchester Avenue, Suite N-501
Rye Brook, NY 10573
Tel: (240) 461-0412
Fax: (347) 287-0223
E-mail: channan@broadviewtel.com

In view of the foregoing, Broadview NP Acquisition Corp. respectfully requests that the Federal Communications Commission automatically approve this Section 63.71 Application for discontinuance of services in the listed states as set forth above.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Charles C. Hunter', is written over the typed name and title.

Charles C. Hunter
Executive Vice President and General Counsel
Broadview NP Acquisition Corp.

800 Westchester Avenue, Suite N-501
Rye Brook, NY 10573
Tel: (914) 922-7589
Fax: (347) 287-0223
E-mail: chunter@broadviewnet.com

November 22, 2010

VERIFICATION

State of New York)
)
County of Westchester) ss.

I, Charles C. Hunter, being duly sworn according to law, depose and say that I am Executive Vice President and General Counsel of Broadview Network Holdings, Inc., and its operating subsidiary, Broadview NP Acquisition Corp. ("NP Acquisition"); that I am authorized to and do make this Verification for it; that the facts set forth in the above Application are true and correct to the best of my knowledge, information and belief, and that I expect NP Acquisition to be able to prove the same at any hearing hereof; and that NP Acquisition understands that, if the contents of the Application are found to be false or to contain misrepresentations, any authority granted may be suspended or revoked. I further depose and say that the authority to submit the Application has been properly granted.



Charles C. Hunter

Subscribed and sworn before me this 22ND day of NOVEMBER, 2010.



Notary Public

My Commission expires: 9/20/12

WILSON ROCAFUERTE JR.
Notary Public, State of New York
Registration #01RO6116202
Qualified In Westchester County
Commission Expires Sept. 20, 2012

CERTIFICATE OF SERVICE

I, Catherine M. Hannan, certify that I have this 22nd day of November, 2010, served a copy of the foregoing Section 63.71 Application of Broadview NP Acquisition Corp., by U.S.

Mail, Postage Prepaid, to the following:

Secretary of Defense
ATTN: Special Assistant for Telecommunications
Pentagon
Washington, DC 20301

Rodney McDonald
Wireline Competition Bureau
445 12th Street, SW
Washington, DC 20554

Governor Arnold Schwarzenegger
Governor's Office
State Capitol Building
Sacramento, CA 95814

Michael R. Peevey
California Public Utilities Commission
505 Van Ness Avenue
San Francisco, CA 94102

Governor Bill Ritter, Jr.
136 State Capitol
Denver, CO 80203-1792

Colorado Public Utilities Commission
1560 Broadway, Suite 250
Denver, CO 80202

Governor Pat Quinn
Office of the Governor
207 State House
Springfield, IL 62706

Elizabeth A. Rolando, Chief Clerk
Illinois Commerce Commission
527 East Capitol Avenue
Springfield, IL 62701

Governor Mitchell E. Daniels, Jr.
Office of the Governor
Statehouse
Indianapolis, IN 46204

Indiana Utility Regulatory Commission
Indiana Government Center South
302 West Washington Street
Suite E-306
Indianapolis, IN 46204

Governor Mark Parkinson
Office of the Governor
Capitol, 300 SW 10th Avenue
Suite 212 S
Topeka, KS 66612-1590

Susan Duffy, Executive Director
Kansas Corporation Commission
1500 SW Arrowhead Road
Topeka, KS 66604-4027

Governor Steve Beshear
700 Capital Avenue
Suite 100
Frankfort, KY 40601

Jeff Derouen, Executive Director
Kentucky Public Service Commission
211 Sower Boulevard
Frankfort, KY 40602-0615

Governor Jennifer M. Granholm
P. O. Box 30013
Lansing, MI 48909

Mary Jo Kunkle, Executive Secretary
Michigan Public Service Commission
6545 Mercantile Way, Suite 7
Lansing, MI 48911

Governor Brian A. Schweitzer
Office of the Governor
Montana State Capitol Building
P. O. Box 200801
Helena, MT 59620

Montana Public Service Commission
1701 Prospect Avenue
P. O. Box 202601
Helena, MT 59620-2601

Governor Jim Gibbons
State Capitol
101 N. Carson Street
Carson City, NV 89701

Public Utilities Commission of Nevada
1150 E. William Street
Carson City, NV 89701

Governor Ted Strickland
30th Floor
77 South High Street
Columbus, OH 43215

Public Utilities Commission of Ohio
180 East Broad Street
Columbus, OH 53215-3793

Governor Brad Henry
State Capitol Building
2300 N. Lincoln Boulevard
Room 212
Oklahoma City, OK 73105

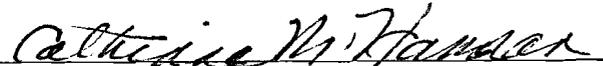
Oklahoma Corporation Commission
P. O. Box 5200
Oklahoma City, OK 73152-2000

Governor Rick Perry
Office of the Governor
P. O. Box 12428
Austin, TX 78711-2428

James Galloway, Clerk
Public Utilities Commission of Texas
1701 North Congress Avenue
Austin, TX 78711-3326

Governor Christine Gregoire
Office of the Governor
P. O. Box 40002
Olympia, WA 98504-0002

Carole J. Washburn, Executive Director
Washington Utilities and Transportation Commission
1300 South Evergreen Park Drive, S.W.
P. O. Box 47250
Olympia, WA 98504-7250


Catherine M. Hannan